

## UNITED STATES DISTRICT COURT

SOUTHERN

DISTRICT OF

OHIO

ESTATE OF ROGER D. OWENSBY, JR.

SUBPOENA IN A CIVIL CASE

Plaintiff

Case Number: 1

v.

Civil Action No. C-1-01-769 (S.D. Ohio)

CITY OF CINCINNATI, et al.

JUDGE S. ARTHUR SPIEGEL

Defendant

TO: Abraham Lawson  
c/o Kenneth L. Lawson, Esq.  
Kenneth L. Lawson & Associates, L.P.A.  
The Dominion Building  
808 Elm Street, Suite 100  
Cincinnati, Ohio 45202

[ ] YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

[X] YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION:

Helmer, Martins & Morgan Co., L.P.A.  
Fourth & Walnut Centre  
105 East Fourth Street, Suite 1900  
Cincinnati, OH 45202

DATE AND TIME

December 29, 2003 at  
10:00 a.m.

[ ] YOU ARE COMMANDED

PLACE:

DATE AND TIME

[ ] YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE FOR ATTORNEY FOR PLAINTIFF OR DEFENDANT)

Attorney for Plaintiff



DATE

21 Nov '03

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Paul B. Martins, Esq.  
(513) 421-2400

Helmer, Martins & Morgan Co., L.P.A.  
105 East Fourth Street, Suite 1900  
Cincinnati, Ohio 45202

(See Rule 45, Federal Rule of Civil Procedure, Parts C &amp; D on Reverse)

## PROOF OF SERVICE

DATE/PLACE

24 Nov. 2003

KENNETH L. LAWSON, ESQ.  
803 Elm ST.; STE 100  
CINCINNATI, OHIO 45202

SERVED ON (PRINT NAME)

MANNER OF SERVICE

KENNETH L. LAWSON, ESQ.  
COUNSEL FOR ABRAHAM LAWSON

SERVICE BY FAX AND U.S. MAIL BY AGREEMENT OF COUNSEL, KENNETH LAWSON

SERVED BY (PRINT NAME)

TITLE

PAUL B. MARTINS

ATTORNEY FOR PLAINTIFF

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 24 Nov. 2003  
DATE

SIGNATURE OF SERVER

HELMER, MARTINS & MORGAN CO., LPA  
105 E. FOURTH ST.; STE. 1900  
CINCINNATI, OHIO 45202

ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D:

## (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (4)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if:

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly

transacts business in person, except that, subject to the provisions of clause (3)(3)(B)(ii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unrelating expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

## (d) DUTIES IN RESPONDING TO SUBPOENA

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

**KENNETH L. LAWSON & ASSOCIATES, L.P.A.**

**ATTORNEYS AT LAW**

Kenneth L. Lawson

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Office (513) 345-5000  
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February 5, 2003

Valerie Lemmie, City Manager  
City of Cincinnati  
801 Plum Street,  
Cincinnati, OH 45202

**VIA FACSIMILE: (513) 352-6284**

Chief Thomas Streicher  
District 1  
310 Ezzard Charles Drive  
Cincinnati, OH 45202

**VIA FACSIMILE: (513) 352-2949**

Lt. Col Richard Janke  
District 1  
310 Ezzard Charles Drive  
Cincinnati, OH 45202

**VIA FACSIMILE: (513) 352-2949**

Lt. Mark Briede  
Internal Affairs  
801B Linn Street  
Cincinnati, OH 45203

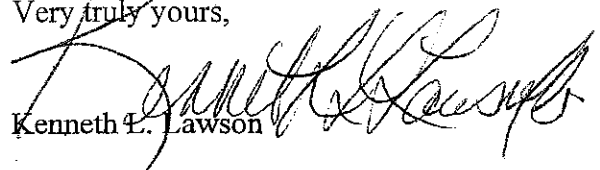
**VIA FACSIMILE: (513) 564-1859**

**RE: Officer Abraham Lawson**

This firm represents Officer Abraham Lawson in the pending investigation being conducted by the City and possibly the Hamilton County Prosecutor's office. It has come to our attention that Officer Abraham Lawson's name and reasons for his suspension were released to the press. Officer Lawson works undercover in some of this City's most violent neighborhoods. The City's actions, if true, have put his life and the lives of those officers he serves with in danger. This action is reprehensible and utterly intolerable.

For the record, Officer Lawson is not related to me or anyone in this firm, so please don't take this request as anything other than what it is. The publication of his name and basis for his suspension throughout the media should stop immediately.

Very truly yours,

  
Kenneth L. Lawson

KLL/br

cc: Officer Abraham Lawson

KENNETH L. LAWSON & ASSOCIATES, L.P.A.

ATTORNEYS AT LAW

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kenneth@kennethlawson.com

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Ayanna E. Love  
ayanna@kennethlawson.com

March 25, 2003

Valerie Lemmie, City Manager  
City of Cincinnati  
801 Plum Street,  
Cincinnati, OH 45202

VIA FACSIMILE: (513) 352-6284

Chief Thomas Streicher  
District 1  
310 Ezzard Charles Drive  
Cincinnati, OH 45214

VIA FACSIMILE: (513) 352-2949

Lt. Mark Briede  
Internal Affairs  
801B Linn Street  
Cincinnati, OH 45203

VIA FACSIMILE: (513) 564-1859

**RE: Officer Abraham Lawson**

It has been some time now since Internal has begun investigating allegations against Officer Abraham Lawson. We would appreciate your advising us as to the progress of your investigation and when you expect to complete the investigation so that Officer Lawson is no longer in limbo. We would appreciate a response to this correspondence on or before March 26, 2003.

It appears from reviewing this matter along with the Owensby matter, that Abraham Lawson is being used as a "scape goat". We intend on filing an injunction requesting that Abraham Lawson be allowed to return to his active role as a police officer for this city. Since the alleged victim has now told numerous stories plus recanted we will request an extensive hearing in an effort to demonstrate why we believe Officer Lawson is being used by the City in a manner that is unconstitutional, unconscionable and discriminatory.

We look forward to your prompt response.

Very truly yours,

  
Kenneth L. Lawson

KLL/br

cc: Officer Abraham Lawson

**KENNETH L. LAWSON & ASSOCIATES, L.P.A.**

ATTORNEYS AT LAW

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Ayanna E. Love  
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October 15, 2003

Valerie Lemmie, City Manager  
City of Cincinnati  
801 Plum Street, Room 150  
Cincinnati, OH 45202

Chief Thomas Streicher  
Cincinnati Police Department  
310 Ezzard Charles  
Cincinnati, OH 45214

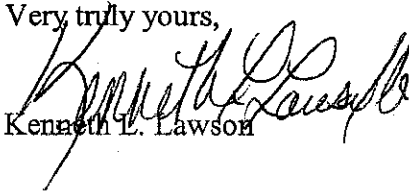
**RE: Abraham Lawson**

Dear Ms. Lemmie and Chief Streicher:

It has been some time since I have inquired as to the status of the City's investigation regarding Abraham Lawson. The young lady who brought the allegation was convicted of all charges. It appears that this investigation has now turned into a mere fishing expedition at the emotional and economic expense of my client.

Pursuant to the discussions that went on during the settlement negotiations of the collaborative, we have in good faith refrained from filing suit without first discussing the matter with the City. My inquiries have gone unanswered. No one is attempting to inform us how or when this matter is going to be resolved. Nor have we received any information as to approximately when you believe that this investigation is going to be complete. We would appreciate a response in the near future.

Very truly yours,

  
Kenneth L. Lawson

KLL/br

Cc: Mr. Abraham Lawson